

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LORENZO BARNES,

Plaintiff,

v.

COLONEL WILLIAM SMITH, et al.,

Defendants.

Civil Action No. 20-3083 (RBK) (AMD)

**OPINION AND ORDER**

This matter comes before the Court by way of Plaintiff's Complaint, asserting claims pursuant 42 U.S.C. § 1983. Plaintiff, a federal prisoner, seeks to bring this civil action *in forma pauperis*, without prepayment of fees or security.

Upon review, the Complaint relates only to incidents which occurred while Plaintiff was incarcerated at the Western Tidewater Regional Jail, in Suffolk, Virginia. Plaintiff names employees of that jail as Defendants.

A civil action wherein jurisdiction does not rely solely on diversity of citizenship is properly brought in:

“(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.”

28 U.S.C. § 1391(b). A court may transfer a case “[f]or the convenience of parties and witnesses, in the interest of justice, . . . to any other district or division where it might have been

brought.” 28 U.S.C. § 1404(a). A court may raise venue and issue a § 1404(a) transfer *order sua sponte*. See e.g., *Arnica Mut. Ins. Co. v. Fogel*, 656 F.3d 167 (3d Cir. 2011).

Here, it does not appear that any of the events or omissions giving rise to Plaintiff’s claims occurred in New Jersey, nor does it appear that all of the Defendants reside in New Jersey. The Court considers the allegations in the Complaint and finds that the interests of justice favor transferring the action to the United States District Court for the Eastern District of Virginia, where the Defendants appear to be located and where, based upon the allegations, it appears that all of the events took place.

THEREFORE, it is on this 1<sup>st</sup> day of May 2020,

**ORDERED** that the Clerk of Court is directed to transfer this action the United States District Court for the Eastern District of Virginia; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Memorandum Opinion and Order upon Plaintiff by regular U.S. mail and CLOSE this matter.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge